United Nations S/2016/708

Security Council

Distr.: General
15 August 2016

Original: English

Letter dated 15 August 2016 from the Secretary-General addressed to the President of the Security Council

I have the honour to transmit the latest oral update by the Independent International Commission of Inquiry on the Syrian Arab Republic (see annex) and its report entitled "'They came to destroy': ISIS Crimes Against the Yazidis",[1] received from Choi Kyonglim, President of the Human Rights Council, in accordance with Council resolution 31/17 (2016).

I would be grateful if you could bring the present letter and its annex to the attention of the members of the Security Council.

(*Signed*) **BAN** Ki-moon

[1] An advance version is available from ohchr.org/EN/HRBodies/HRC/RegularSessions/Session32/Pages/ListReports.aspx.

16-14112 (E) 180816

Please recycle

Annex

Statement by Paulo Sérgio Pinheiro, Chair of the Independent International Commission of Inquiry on the Syrian Arab Republic, to the Human Rights Council

Geneva, 21 June 2016

As we celebrate the tenth anniversary of the Human Rights Council, I am reminded that the Commission has been reporting on violations by all parties to the Syrian conflict for half of that time. When I last presented to the Human Rights Council three months ago, there was a moment of hope. Due to the agreement reached in Munich earlier this year, a degree of normalcy was achieved in some parts of the country by the cessation of hostilities sanctioned by the Security Council. For the first time, lives were being saved, evidencing the pivotal role of the cessation of hostilities and the need to maximize it.

But the situation has progressively deteriorated as battles rage once more for control of territory or resources. I must sadly report to you that, during this period, civilians from all facets of the Syrian mosaic continued to be the main victims of this seemingly endless conflict. Violence, destruction and hunger remain a dominant feature of Syrian lives. Across the country, civilians struggle to exist under daily air strikes by Government forces, in addition to indiscriminate attacks by non-governmental armed groups and United Nations Security Council-listed terrorist groups, including ISIS, Jabhat al-Nusra and their associates.

In Aleppo and Idlib, ongoing attacks have claimed hundreds of casualties. Many of them are children. Some of them were born during the war, and died without seeing its end. Children are also vulnerable to other abuses. The Commission is particularly concerned with allegations, which we are investigating, that Jabhat al-Nusra and other Al-Qaida-affiliated groups have recruited hundreds of children under 15 in Idlib.

Targeted aerial assaults on hospitals and clinics have resulted in scores of civilian deaths, including much-needed medical workers. With medical care difficult — and in some areas, impossible — to access, there has been a rise in infant and maternal mortality. More than 700 doctors and medical personnel have been killed in attacks on hospitals since the beginning of the conflict. As civilian casualties mount, the number of medical facilities and staff decreases, limiting even further access to medical care.

Locations essential to civilian life such as markets and bakeries continue to be bombarded. With each attack, terrorized survivors are left more vulnerable by the massive destruction and damage of civilian infrastructure. Schools, hospitals, mosques, water stations — they are all being turned into rubble.

Thousands of Syrians remain detained by all parties to the conflict. Vast numbers are held in governmental detention centres. Many are tortured and die in detention. Countless numbers of people remain missing, some for years, as their families hope against hope for news of their loved ones.

Besieged populations are among those paying the highest price for warfare. Despite widespread condemnation of sieges as a tactic of war, no sieges have been lifted in recent months. Aid reaches less than half of the 600,000 people trapped in

those areas. A 12-year-old refugee girl from Madaya showed the Commissio. the will she wrote when she thought she was going to die of hunger. In it, she asked her mother to remember her laughter.

The Commission was heartened by the news of delivery of humanitarian aid to Darayya, which was to provide relief to its residents for the first time in four years. But this sentiment would prove illusory. The very next day Darayya was heavily bombed, and the distribution of humanitarian aid, including food, was seriously hindered.

Bearing in mind the key principle that access to humanitarian aid is unconditional, the recent commitment to granting access to 15 of the besieged areas is a step in the right direction. The ultimate solution, however, lies with the lifting of all sieges and an end to belligerents using starvation as a weapon of war.

Ongoing violence continues to prevent people from returning to their homes. More than half of the country's population remains displaced. This is an astounding number which shows no signs of abating. Tens of thousands are trapped between frontlines and borders in the north and south of Syria. Those who fled their homes have not always found safety, as we were painfully reminded in May when strikes on two camps for internally displaced persons in Idlib governorate claimed more civilian lives.

Those who brave the journey to seek safety outside Syria are exposed to equally deadly risks. In desperation, they place their lives in the hands of trafficking and smuggling networks. Thousands of men, women and children have drowned trying to cross the Mediterranean in overcrowded, unseaworthy vessels. Thousands of unaccompanied children who disappeared after arriving in Europe are feared to be exploited by criminal networks.

It is imperative that concerned governments take action.

Rescue operations save hundreds of lives. But the international response must go further. Member States must do more to actively counteract those networks which place hundreds of lives at risk with each journey they undertake. Immediate steps must be taken to trace missing children and give them the protection that they need. But these are short-term solutions. Countries affected by the refugee crisis must grasp that, in the long run, the solution lies in a peaceful and stable Syria. They have a role to play to make that aspiration a reality. States need to support vehemently, in word and deed, attempts to move belligerents to the peace table.

Syrians are the main victims of this conflict, but they are not the only ones. Last week, the Commission reported on the continuing genocide against the Yazidis of Sinjar (Iraq), including thousands of women and girls still being held in Syria by ISIS. We spoke to dozens of survivors and reviewed hundreds of pages of corroborative material. Detailed testimony after detailed testimony set out and reiterated the systematic nature of the attack and abuse, and those who perpetrated it. ISIS public statements overtly show its intent to destroy the Yazidi as a group. As we speak, Yazidi women and girls are still sexually enslaved, subjected to brutal rapes and beatings. They are bought and sold in markets, passed from fighter to fighter like chattel, their dignity being ripped from them with every passing day. Boys are taken from their mothers' care and forced into ISIS training camps once they reach the age of 7.

The finding of genocide should and must trigger an examination of each State's obligations to prevent and punish this crime. The threat that genocide poses to international peace and security must lead to much more assertive action by the international community and especially by the Security Council, which is in the position to adopt measures to stop the genocide. Moreover, the Commission's reports have underlined numerous violations against other religious-ethnic groups, and we continue to investigate ISIS crimes against Alawites, Assyrians, Christians, Shias and Sunnis who reject their ideology.

The Syrian people cannot afford to wait anymore.

The only way out of this war is to find a political solution, which Special Envoy Staffan de Mistura relentlessly pursues. To come to this solution, warring parties need to immediately stop fighting and resume peace talks. It is high time that all parties show that they are genuinely committed to the peace process by agreeing to confidence-building measures. These should include ending indiscriminate bombardments; granting humanitarian access to besieged populations; the release of all prisoners arbitrarily detained or abducted, particularly the elderly, women and children; the independent monitoring of detention centres; and the establishment of mechanisms to deal with cases of missing and disappeared persons.

Such measures are the beginning of all warring parties agreeing to be accountable to the Syrian people, the very people they purport to represent and thereby have a duty to serve and protect.

Victims are calling for accountability. The response to their quest for justice must echo in the corridors of power, including at the level of the Security Council. But accountability in a larger sense is broader than criminal justice. It is a long-term process that must be nurtured and rooted in basic respect for international rule of law.

It is the Commission's task to convey to the Council the seemingly interminable sufferings of the Syrian people. We will continue to investigate violations of international law and to identify perpetrators. But to end their suffering, we need more. We need all States to insist time and time again that influential States and the Security Council unconditionally support the political process. That they facilitate and foster dialogue among the warring parties. That they do not compromise for anything less than long-lasting peace.